

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TIMOTHY THORNE, SR.,

Petitioner,

v.

TROY STEELE,

Respondent.

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No. 4:17-CV-1651 SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's application for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and his motion for leave to commence this action without payment of the required filing fee. *See* 28 U.S.C. § 1915(a).

Upon consideration of the financial information provided with the application, the Court finds that petitioner is financially unable to pay any portion of the filing fee. Therefore, the Court grants petitioner leave to proceed in forma pauperis. However, petitioner's application for writ of habeas corpus is successive and shall be summarily dismissed. *See* Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts.

Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He was convicted and sentenced in the Circuit Court of St. Francois County on November 19, 2003, on charges of statutory sodomy.

The Court's records show that petitioner previously brought a § 2254 petition for a writ of habeas corpus, and that the action was denied on the merits. *See Thorne v. Purkett*, No. 4:05CV1172 DDN (E.D. Mo.). The Eighth Circuit Court of Appeals denied petitioner a certificate of appealability and dismissed the appeal. *Thorne v. Purkett*, No. 08-3139 (8th Cir. 2009).

To the extent that petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To the extent that petitioner seeks to bring new claims for habeas relief, petitioner **must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring those claims in this Court.** 28 U.S.C. § 2244(b)(3)(A). (emphasis added) Petitioner has not been granted leave to file a successive habeas petition in this Court. As a result, the petition shall be dismissed.

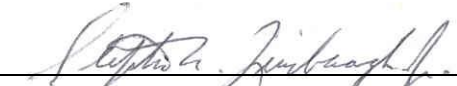
Accordingly,

IT IS HEREBY ORDERED that petitioner's application for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's application for writ of habeas corpus is **DISMISSED AS SUCCESSIVE**.

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 13th day of June, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE